

CT



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/179,945	10/27/1998	JOHN Q. ADAMS		6273

7277 7590 04/07/2003

HOWARD C. MISKIN
C/O STOLL, MISKIN, HOFFMAN & BADIE
EMPIRE STATE BUILDING
350 FIFTH AVE., STE. 6110
NEW YORK, NY 10118

EXAMINER

PARADISO, JOHN ROGER

ART UNIT	PAPER NUMBER
----------	--------------

3721

DATE MAILED: 04/07/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/179,945

Applicant(s)

ADAMS ET AL.

Examiner

John R. Paradiso

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Prosecution Application

1. The request filed on 3/7/2002 for a Continued Examination (RCE) under 37 CFR 1.17(e) based on parent Application No. 09/179,945 is acceptable and an RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over BIRENBAUM ET AL in view of NORMAN ET AL (US 5702305).

4. BIRENBAUM ET AL discloses a portable programmable apparatus for aiding a player in a game of bingo. The apparatus comprises a processor (26) with port connections for various I/O, memory, and power functions. The processor receives instructions from an input device comprising input keys (18) that allow the user to enter data associated with the game. The processor also receives information from a memory module (14) which contains stored blocks of data representing the configurations and serial numbers of a large set of bingo cards (both regular and paper cards) as well as the possible winning configurations. The processor sends data to an

Art Unit: 3721

output device in the form of a display (16) that so that game information can be read by the user.

(See BIRENBAUM ET AL columns 1-4 and figures 1 and 3.)

5. BIRENBAUM ET AL does not disclose the use of a security feature to prevent unauthorized access to stored data, the use of rechargeable batteries with a recharging circuit, the specific voltages used to power the apparatus, the specific winning combinations, or the storage of specific card schedules. BIRENBAUM ET AL also does not disclose using the apparatus to communicate with other similar apparatus' with a communications protocol.

6. NORMAN ET AL discloses a game system comprising a plurality of portable game aids (32), each with means for a user to input and receive instructions concerning a game. Each of the portable game aids is also provided with a transmitting/receiving means to enable each player to transmit/receive blocks of data representing game information or personal information between each other player via their portable game aid. The portable game aids can also transmit/receive information blocks between themselves and a first computer, designated the master unit. (See NORMAN ET AL column 3 lines 21-54, column 4 lines 25-30, and Figure 3.)

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of NORMAN ET AL to use a communication protocol to connect to the processor of another user's portable game aid, as taught by NORMAN ET AL, to enable a user to interact with another game player by sharing or using their information (stored in the memory of their portable game aid) to increase the enjoyment and competitive spirit of the game, and also to enable the swift and accurate validation and payout upon fulfilling a winning combination in the case of interacting with a master unit

Art Unit: 3721

8. Regarding claim 5, the use of passwords and passcodes is well known in the art to secure any form of data stored on a computer and it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of BIRENBAUM ET AL and NORMAN ET AL to connect a security feature to the processor to prevent unauthorized access to the stored information of the apparatus.

9. Regarding claim 7, the use of rechargeable batteries is well known in the art to provide power to handheld electronic devices and it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of BIRENBAUM ET AL and NORMAN ET AL to use rechargeable batteries that can be recharged by an external power source. Note that BIRENBAUM ET AL does specifically disclose the possibility of connecting the apparatus to an external power source.

10. Regarding claim 8, the use of low voltage direct current to power electronic equipment is well known in the art. Further, the use of specific voltages to power specific components depending upon their makeup and operational needs is also well known. The availability of -17Vdc, +5Vdc, and +12Vdc from the power supply to power the electronic components of the apparatus is an obvious matter of engineering design choice, since Applicant has not disclosed that the use of these particular voltages (which are common voltage requirements for many electronic components) solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any voltages that would meet the needs of the electronic components used in the apparatus.

Art Unit: 3721

11. Regarding claim 12, BIRENBAUM ET AL discloses the storage of common bingo win patterns in the memory. While BIRENBAUM ET AL does not specifically disclose which patterns these are, the winning combinations of X shape, picture frame, fill-up, U-shape, and C-shape are well known to those skilled in the art (as well as to all bingo players) and it would have been obvious to one of ordinary skill in the art at the time the invention was made to program the memory of the combination of BIRENBAUM ET AL and NORMAN ET AL to know these winning combinations.

12. Regarding claim 16, BIRENBAUM ET AL specifically discloses that the processor receives information from a memory module which contains the configurations and serial numbers of a large set of bingo cards. While the specifics of type, brand, cut, and collation are not disclosed, the use of electronic memory to store collations of this sort is well known in the art (storing collatable databases is, in fact, one of the primary purposes of computers) and it would have been obvious to one of ordinary skill in the art at the time the invention was made to store in the memory module of BIRENBAUM ET AL a set of bingo cards cross-references by serial number, type, brand, cut, and collation in order to enable the game master to use the specific type of card for which they are licensed or simply used to.

Response to Arguments

13. Applicant's arguments filed 2/25/2003 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3721

Reference Citations

14. The following prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure:

- KAGAN ET AL discloses a game system in which each player's portable unit transmits/receives information from other players' units.
- PERLMAN discloses networked video game units.
- TAKENOUCHI ET AL discloses a plurality of game aids interconnected with each other and a master unit.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center receptionist.



Examiner John Paradiso (703) 308-2825
Fax (Direct to Examiner): (703) 746-3253
Supervisor Rinaldi Rada (703) 308-2187
Receptionist (703) 308-1148

April 2, 2003